

FILED IN THE  
U.S. DISTRICT COURT  
Eastern District of Washington

DEC - 5 1996

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**CR-96-259-WFN**  
INDICTMENT

UNITED STATES OF AMERICA )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
VERNE JAY MERRELL, aka Jay )  
Merrell, aka Thomas C. )  
James, aka Carl Avery )  
Martell, )  
CHARLES HARRISON BARBEE, )  
and )  
ROBERT SHERMAN BERRY, aka )  
Jim Preston, )  
 )  
Defendants. )

Vio: 18 U.S.C. § 371  
Conspiracy (Ct 1)

18 U.S.C. § 844(i)  
Destruction of Building  
Used in Interstate  
Commerce (Cts 2 & 6)

18 U.S.C. § 924(c)  
Use of Firearm During  
Crime of Violence  
(Cts 3, 5, 7, & 9)

18 U.S.C. § 2113(a) & (d)  
Armed Bank Robbery  
(Cts 4 & 8)

18 U.S.C. § 2312  
Interstate Transportation  
of Stolen Motor Vehicle  
(Cts 10 & 11)

26 U.S.C. § 5861(d)  
Possession of  
Unregistered Grenades  
(Ct 12)

The Grand Jury Charges:

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**CONSPIRACY**

**COUNT 1**

Beginning on a date unknown to the Grand Jury, but by on or about May 2, 1995, and continuing through on or about October 8, 1996, in the District of Idaho, District of Oregon, Western District of Washington, and the Eastern District of Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C. James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT SHERMAN BERRY, aka Jim Preston, did knowingly combine, conspire, confederate and agreed together and with each other, and with other persons both known and unknown to the Grand Jury, to commit offenses against the United States, to wit: to commit the crimes in counts 2 through 12 herein, in violation of 18 U.S.C. §§ 844(i), 924(c), 2113(a) and (d), 2312, and 26 U.S.C. § 5861(d). In furtherance of the conspiracy and to effect the objects of the conspiracy, certain overt acts were committed in the Eastern District of Washington and elsewhere, to wit, overt acts including, but not limited to:

1. Those acts contained in counts 2 through 12 of this indictment which are incorporated herein by this reference;
2. On or about May 2, 1995, the possession by CHARLES HARRISON BARBEE, and ROBERT SHERMAN BERRY, aka Jim Preston, of: a SWD, Cobray, M-11, 9mm pistol, serial number 89-0064226, fully loaded with one round in the chamber with a silencer; Washington State license plates "945FMV and 659FSV" registered to vehicles owned by Avis Rent A Car, doing business as P.V. Holding Corporation, Spokane International Airport, Spokane, Washington; two camouflage military flak jackets; military

1 night vision goggles; and a note pad, on one page of which was  
2 written, "things to do 1. check out vehicles (sic) keys and  
3 plates 2. scanner 3. where to park sub 4. gloves 5. change  
4 plates on sub 6. emergency phone #'s 7. route out 8. Govt.  
5 plates".

6 3. The mailing, on or about September 6, 1996, of letters to the  
7 Spokesman Review and U.S. Bank with a return address of  
8 "Phinehas". The letters read, "Your gods are paper. \$100,000  
9 of them are no match for Yahweh. (Obadiah 18) Publicly rescind  
10 your bounty and declare your gods powerless or those who  
11 worship at your alter (sic) will suffer His wrath. cc:  
12 Spokesman Review".

13 4. The mailing, on or about September 6, 1996, of a letter  
14 addressed to "Director: Planned Parenthood, 20 South Pines,  
15 Spokane, Washington", having a return address of "Phinehas".  
16 The letter read, "So sorry to have missed you July 12, and you  
17 missed the note about Psalm 139. Will do better next time.  
18 Halleluyah! (sic) (Praise ye Yah)."

19 5. On or about September 20, 1996, the theft of a 1996 Chevrolet  
20 Suburban and a 1996 GMC Sierra Club Coupe pickup from Herning  
21 Pontiac, Cadillac, GMC Inc. Pocatello, Idaho;

22 6. On or about October 8, 1996, VERNE JAY MERRELL, aka Jay  
23 Merrell, aka Thomas C. James, aka Carl Avery Martell, CHARLES  
24 HARRISON BARBEE, and ROBERT SHERMAN BERRY, aka Jim Preston  
25 travelled from Sandpoint, Idaho to Portland, Oregon in a  
26 failed robbery attempt of the U.S. Bank in Portland, Oregon;  
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- 1 7. On or about October 8, 1996, the mailing of a letter from  
2 Portland, Oregon to the Spokesman-Review;  
3 8. On or about October 8, 1996, the possession by ROBERT SHERMAN  
4 BERRY, aka Jim Preston of a PWA 223 machine gun;  
5 9. The possession by VERNE JAY MERRELL, aka Jay Merrell, aka  
6 Thomas C. James, aka Carl Avery Martell of a machine gun later  
7 found in his home on or about October 10, 1996; and  
8 10. The possession by CHARLES HARRISON BARBEE of grenades later  
9 found in his home on or about October 9, 1996;  
10 All in violation of 18 U.S.C. § 371.

11 **APRIL 1, 1996**

12 **COUNT 2**

13 On or about April 1, 1996, in the Eastern District of  
14 Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C.  
15 James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT  
16 SHERMAN BERRY, aka Jim Preston, maliciously damaged and destroyed,  
17 by means of fire and explosive materials, the Spokesman Review  
18 Office building located at 13208 East Sprague Avenue, Spokane,  
19 Washington, used in and affecting interstate commerce, in violation  
20 of 18 U.S.C. § 844(i).

21 **COUNT 3**

22 That on or about April 1, 1996, in the Eastern District of  
23 Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C.  
24 James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT  
25 SHERMAN BERRY, aka Jim Preston, did knowingly and willfully use and  
26 carry a firearm that is a destructive device (a pipe bomb), during  
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1 and in relation to a crime of violence, to wit, malicious  
2 destruction of property in interstate commerce, to wit, the  
3 Spokesman Review Office building, located at 13208 East Sprague  
4 Avenue, Spokane, Washington, in violation of 18 U.S.C. § 844(i),  
5 all in violation of 18 U.S.C. § 924(c)(1).

6 COUNT 4

7 That on or about April 1, 1996, in the Eastern District of  
8 Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C.  
9 James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT  
10 SHERMAN BERRY, aka Jim Preston, by force, violence, and by  
11 intimidation, did take from the person and presence of another,  
12 approximately \$72,000 of money belonging to and in the care,  
13 custody, control, management and possession of U. S. Bank, located  
14 at 9208 East Sprague, Spokane, Washington, the deposits of which  
15 were then insured by the Federal Deposit Insurance Corporation, and  
16 in committing such offense, VERNE JAY MERRELL, aka Jay Merrell, aka  
17 Thomas C. James, aka Carl Avery Martell, CHARLES HARRISON BARBEE,  
18 and ROBERT SHERMAN BERRY, aka Jim Preston, did assault and put in  
19 jeopardy the life of another person by the use of dangerous  
20 weapons, to wit, a destructive device (a pipe bomb) and firearms,  
21 all in violation of 18 U.S.C. § 2113(a) and (d).

22 COUNT 5

23 That on or about April 1, 1996, in the Eastern District of  
24 Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C.  
25 James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT  
26 SHERMAN BERRY, aka Jim Preston, did knowingly and willfully use and  
27 carry a firearm that is a destructive device (a pipe bomb), during  
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1 and in relation to a crime of violence, to wit, armed bank robbery  
2 of the U. S. Bank, located at 9208 East Sprague, Spokane,  
3 Washington, in violation of 18 U.S.C. § 2113(d), all in violation  
4 of 18 U.S.C. § 924(c)(1).

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6 JULY 12, 1996

7 COUNT 6

8 On or about July 12, 1996, in the Eastern District of  
9 Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C.  
10 James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT  
11 SHERMAN BERRY, aka Jim Preston, maliciously damaged and destroyed,  
12 by means of fire and explosive materials, the Planned Parenthood  
13 Clinic building located at South 20 Pines, Spokane, Washington,  
14 used in and affecting interstate commerce, in violation of 18  
15 U.S.C. § 844(i).

16 COUNT 7

17 That on or about July 12, 1996, in the Eastern District of  
18 Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C.  
19 James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, ROBERT  
20 SHERMAN BERRY, aka Jim Preston, did knowingly and willfully use and  
21 carry a firearm that is a destructive device (a pipe bomb), during  
22 and in relation to a crime of violence, to wit, malicious  
23 destruction of property in interstate commerce, to wit, the Planned  
24 Parenthood Clinic, located at South 20 Pines, Spokane, Washington,  
25 in violation of 18 U.S.C. § 844(i), all in violation of 18 U.S.C.  
26 § 924(c)(1).  
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## COUNT 8

That on or about July 12, 1996, in the Eastern District of Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C. James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT SHERMAN BERRY, aka Jim Preston, by force, violence, and by intimidation, did take from the person and presence of another, approximately \$36,666 of money belonging to and in the care, custody, control, management and possession of U. S. Bank, located at 9208 East Sprague, Spokane, Washington, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and in committing such offense, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C. James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT SHERMAN BERRY, aka Jim Preston, did assault and put in jeopardy the life of another person by the use of dangerous weapons, to wit, firearms, all in violation of 18 U.S.C. § 2113(a) and (d).

## COUNT 9

That on or about July 12, 1996, in the Eastern District of Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C. James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT SHERMAN BERRY, aka Jim Preston, did knowingly and willfully use and carry firearms, during and in relation to a crime of violence, to wit, armed bank robbery of the U. S. Bank, located at 9208 East Sprague, Spokane, Washington, in violation of 18 U.S.C. § 2113(d), all in violation of 18 U.S.C. § 924(c)(1).

OCTOBER 8, 1996

COUNT 10

On or about October 8, 1996, in the Eastern District of Washington and elsewhere, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C. James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT SHERMAN BERRY, aka Jim Preston, did unlawfully transport in interstate commerce from the state of Idaho, to the states of Oregon and Washington, a 1996 Chevrolet Suburban, stolen from Pocatello, Idaho, knowing the same to have been stolen, all in violation of 18 U.S.C. § 2312.

COUNT 11

On or about October 8, 1996, in the Eastern District of Washington and elsewhere, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C. James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT SHERMAN BERRY, aka Jim Preston, did unlawfully transport in interstate commerce from the state of Oregon, to the state of Washington, a 1996 Ford Aerostar van, stolen from Hood River, Oregon, knowing the same to have been stolen, all in violation of 18 U.S.C. § 2312.


COUNT 12

On or about October 8, 1996, in the Eastern District of Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C. James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT SHERMAN BERRY, aka Jim Preston, did unlawfully possess unregistered firearms, to wit, destructive devices (grenades), which firearms had not been registered in the National Firearms Registration and

1 Transfer Record as required by 26 U.S.C. Chapter 53, in violation  
2 of 26 U.S.C. §§ 5861(d) and 5871.


3 DATED this 5th day of December, 1996.


4 A TRUE BILL

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6   
7 JAMES P. CONNELLY  
8 United States Attorney

6   
Foreman

9  
10 JAMES B. CRUM  
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